

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

LEHMAN BROTHERS HOLDINGS, INC.,
Plaintiff,
v.
FIRST FINANCIAL LENDER aka FIRST
FINANCIAL CAPITAL,
Defendant.

Case No.: C 09-0545 PVT

**ORDER TO DEFENDANT TO 1) FILE A
SECOND AMENDED ANSWER THAT
COMPLIES WITH FEDERAL RULES OF
CIVIL PROCEDURE 8(b)(2)(B); AND
2) APPEAR ONLY THROUGH COUNSEL**

On April 27, 2009, Defendant filed an Amended Answer.¹ Based on the file herein,
IT IS HEREBY ORDERED that, no later than May 22, 2009, Defendant First Financial
Lender (“Defendant”) shall file a Second Amended Answer that specifically admits or denies the
allegations of Plaintiff’s complaint with regard to itself. *See* FED.R.CIV.PRO. 8(b)(1)(B). To the
extent Defendant believes it is not “aka First Financial Capital,” it shall so state in response to the
introductory paragraph of the complaint.

IT IS FURTHER ORDERED that, absent further order of this court, Defendant may appear
only through counsel, and not *in pro per*. *See* Civil L.R. 3-9(b) (“A corporation, unincorporated

¹ Defendant’s original answer was in the form of a general denial, which is not a
permissible form of answer in federal court. Defendant filed its Amended Answer pursuant to a
stipulation of the parties allowing the amendment.

1 association, partnership or other such entity may appear only through a member of the bar of this
2 Court.”) The court hereby notifies Defendant that the court intends to take judicial notice of the fact
3 that Defendant is a corporation, as disclosed via a search of the California Secretary of State’s
4 website. *See* <http://kepler.sos.ca.gov/corpdata/ShowAllList?QueryCorpNumber=C1896365>. If
5 Defendant objects to the court taking such judicial notice it shall file an objection no later than May
6 14, 2009. Any such objection must include a showing that Defendant is not a corporation.

7 IT IS FURTHER ORDERED that, no later than May 22, 2009, Defendant’s counsel shall
8 sign up for electronic filing in this case.

9 Dated: 5/1/09

10 
11 PATRICIA V. TRUMBULL
12 United States Magistrate Judge
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Counsel automatically notified of this filing via the court's Electronic Case Filing system.

copies mailed on 5/4/09 to:

Vince D. Nguyen, Esq.
First Financial Lender
743 South Winchester Blvd., Ste. 210
San Jose, CA 95128

/s/ Donna Kirchner for
CORINNE LEW
Courtroom Deputy